

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Nancy Kinney, et al.

Plaintiffs,
vs.

International Business Machines
Corporation,

Defendant.

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NO: AU:20-CV-00969-DAE

ORDER SETTING JURY SELECTION/TRIAL -
AND RELATED DEADLINES

It is hereby ORDERED that the above entitled and numbered case is set for Jury Selection and Trial in Courtroom 2, on the Fourth Floor of the United States Courthouse, 501 West Fifth Street, Austin, TX, on **Monday, January 23, 2023 at 09:30 AM.**

Due to this Court's heavy case load, it is the Court's practice to have a U.S. Magistrate Judge perform jury selection on it's behalf. Therefore, the parties are ORDERED to file the attached Advisory to the Court no later than as to whether or not parties consent to the U.S. Magistrate Judge selecting the jury for this trial. **If parties consent, this matter will be referred to the U.S. Magistrate Judge for the limited purpose of jury selection and the trial will proceed the next business before the Honorable David A. Ezra, Senior U.S. District Judge.**

If required, a Final Pretrial Conference will be set by separate order.

Motions in limine are due **Tuesday, January 03, 2023**, responses to Motions in limine are due **January 10, 2023**.

Pretrial Submissions -

Pursuant to Local Rule 16(e), the Court **ORDERS** all parties to serve and file the following information by the close of business **Tuesday, December 27, 2022:**

(1) A list of questions the party desires the court to ask prospective jurors.

(2) A statement of the party's claims or defenses to be used by the court in conducting voir dire. The statement shall be no longer than one-half page with type double-spaced.

(3) A list of stipulated facts.

(4) An appropriate identification of each exhibit as specified in this rule (except those to be used for impeachment only), separately identifying those that the party expects to offer and those that the party may offer if the need arises.

(5) The name and, if not previously provided, the address and telephone number of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(6) The name of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.

(7) Proposed jury instructions and verdict forms. The parties are **ORDERED** to meet and confer and submit a joint proposed set of jury instructions. Any jury instructions to which both parties do not agree must be submitted separately with appropriate citations to the law supporting those instructions. Joint jury instructions shall be submitted in complete format as they would appear when submitted to the jury. For trials expecting to last longer than one week or complex in nature, counsel may submit their joint jury instructions towards the end of the trial. However, counsel must request

permission from the Court to submit this pretrial item past the deadline.

(8) An estimate of the probable length of trial.

Objections to Pretrial Submissions


Pursuant to Local Rule 16(f), the Court also **ORDERS** both parties to serve and file the following information by close of business on **Thursday, December 29, 2022:**

(1) A list disclosing any objections to the use under Rule 32(a) of deposition testimony designated by the other party.

(2) A list disclosing any objection, together with the grounds therefore, that may be made to the admissibility of any exhibits. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.

IT IS SO ORDERED.

DATED: San Antonio, Texas June 08, 2022.



DAVID A. EZRA
SENIOR U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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ADVISORY TO THE COURT

The undersigned party in the above-captioned cause elects as follows (please only select one of the following options):

- ☐ I consent to proceed before a United States Magistrate Judge in accordance with the provisions of 28 U.S.C. § 636, for the sole purpose of conducting the jury selection.
- ☐ I do not consent to proceed before a United States Magistrate Judge for the sole purpose of conducting jury selection.

Party or Party Represented

Signature of Party/ Attorney

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____